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Preparatory Commission for the International Criminal Court

Working Group on Rules of Procedure and Evidence

New York
13-31 March 2000
12-30 June 2000
27 November-8 December 2000

Report of the Working Group

Explanatory note

The Rules of Procedure and Evidence are supplementary instruments of the Rome Statute. The objective of this instrument is to support and underpin the provisions of the Statute. In elaborating the Rules of Procedure and Evidence, care has been taken to avoid rephrasing and, to the extent possible, repeating the provisions of the Statute. Direct references to the Statute have been included in the Rules, where appropriate, in order to emphasize the relationship between the Rules and the Rome Statute, as provided for in article 51.

In all cases, the Rules of Procedure and Evidence should be read in conjunction with and subject to the provisions of the Statute.

In connection with rule 4.37, the Preparatory Commission considered whether the application of this rule would be facilitated by including a provision in the Regulations of the Court that at least one of the judges of the Chamber in which the case is heard knows the official language used as a working language in a given case. The Assembly of States Parties is invited to give further consideration to this issue.

Rules of procedure and evidence

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[See document PCNICC/2000/WGRPE/L.1/Add.1]

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Explanatory note

Corrigendum

1. The first sentence of the first paragraph should read:

   The Rules of Procedure and Evidence are an instrument for the application of the Rome Statute of the International Criminal Court, to which they are subordinate in all cases.

2. Delete the second sentence of the first paragraph.

3. Add at the end of the first paragraph, after the words "as provided for in article 51", the following words:

   , in particular, paragraphs 4 and 5.

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Rules of Procedure and Evidence

Contents

N.B. The present table of contents has as its aim only to reflect the new proposed structure of the Rules of Procedure and Evidence. The actual contents under each heading will be adjusted in the light of the work carried out by the Working Group at the current session of the Preparatory Commission. The rules will be renumbered consecutively from the beginning.

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00-50605 (E)

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Rules of Procedure and Evidence

Addendum

Corrigendum

1. Amend the title of chapter 4 to read:

   "Provisions relating to various stages of the proceedings"

2. Amend the heading of sub-section 1 of section III under chapter 4 to read:

   "Definition and general principle relating to victims"

3. Invert the order of chapters 7 and 8.

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Chapter 1
General provisions

Rule 1.1
Use of terms

In the present document:

- "article" refers to articles of the Rome Statute;
- "Chamber" refers to a Chamber of the Court;
- "Part" refers to the Parts of the Rome Statute;
- "Presiding Judge" refers to the Presiding Judge of a Chamber;
- "the President" refers to the President of the Court;
- "the Regulations" refers to the Regulations of the Court;
- "the Rules" refers to the Rules of Procedure and Evidence.

Rule 1.2
Authentic texts

The Rules have been adopted in the official languages of the Court established by article 50, paragraph 1. All texts are equally authentic.

00-50569 (E)

Rule 1.3
Amendments

1. Amendments to the rules that are proposed in accordance with article 51, paragraph 2, shall be forwarded to the President of the Bureau of the Assembly of States Parties.

2. The President of the Bureau of the Assembly of States Parties shall ensure that all proposed amendments are translated into the official languages of the Court and are transmitted to the States Parties.

3. The procedure described in sub-rules 1 and 2 shall also apply to the provisional rules referred to in article 51, paragraph 3.

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Addendum

Insert the following paragraph after the second paragraph of the existing text of the explanatory note:

> The Rules of Procedure and Evidence of the International Criminal Court do not affect the procedural rules for any national court or legal system.

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(Document PCNICC/2000/WGRPE/L.1)

Addendum

Insert the following paragraph after the second paragraph of the existing text of the explanatory note:

> The Rules of Procedure and Evidence of the International Criminal Court do not affect the procedural rules for any national court or legal system for the purpose of national proceedings.

00-51009 (E)